

REMARKS

Claims 36-55 are pending in the application. Claims 36, 43 and 50 are amended herein. New claim 56 has been added to the application. Thus, claims 36-56 are pending in the application.

Claims 36, 37, 42, 45, 46, 53 and 54 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Neuman et al. (U.S. Pat. No. 4,409,669 hereinafter referred to as "Neuman"). Applicants have amended independent claim 36 to better distinguish the claimed invention over the Neuman reference. The § 102(b) rejections based on Neuman are traversed as follows.

Neuman discloses a signal processing apparatus having a main unit and a plurality of modules for processing analog signals. Each of the modules has an analog-to-digital converter and an identification signal generator which generates a module identification signal different for each module. The main unit includes a signal processing system and a conversion pulse clock generator. The pulse clock generator clocks each analog-to-digital converter in each module to convert analog signals to digital data. The digital data are transmitted together with the module identification signal to the signal processing system. (See Neuman, Abstract, ll. 1-13) "[T]here is installed in the main device a single conversion pulse clock generator of fixed, predetermined clock frequency." (See Neuman, col. 1, ll. 66-68). In the Neuman signal processing device the main unit includes both the central microprocessor 14 and the central clock generator 27. (See Neuman, Fig. 5, col. 8, ll. 23-35).

In contrast, amended claim 36 recites the following:

A portable measuring system comprising:
a clock providing time of day data, the clock having a wristband coupled thereto;
a plurality of measuring modules, each of the measuring modules having a data processing unit, a data input unit, and an indicator unit, each said measuring module providing at least one measurement function;
a releasable coupler for non-galvanically coupling a selected one of the measuring modules with the clock for the transmission of data between the clock and the selected measuring module; and whereby
each of the measuring modules can be selectively coupled to the clock by means of the coupler to provide a measuring function associated with the coupled module in accordance with time data provided by the clock.

(See claim 36 as amended hereinabove).

Claim 36 as amended herein defines a portable measuring system including a clock providing time of day data. Claim 36 recites a plurality of measuring modules, each of the measuring modules having a data processing unit wherein each of the measuring modules can be selectively coupled to the clock by means of a releasable coupler to provide a measuring function associated with the coupled module in accordance with time data provided by the clock. Additionally, claim 36 includes a wristband coupled to the clock.

Neuman does not disclose a clock providing time of day data. In the Neuman reference the only "clock" disclosed is a conversion pulse clock generator for clocking the analog-to-digital converter in each module to convert analog signals to digital data. (See Neuman, Abstract, ll. 9-11) Further, Neuman does not disclose a portable measuring system having a plurality of measuring modules, wherein each of the measuring modules have a data processing unit for providing a measuring function in accordance with time data provided by the clock. Consequently, the Neuman device is not capable of providing a measuring function in accordance with time data provided by a clock. Further, in the

Neuman device, each of the measuring modules do not include a data processing unit as recited in claim 36.

Additionally, Neuman does not disclose "a releasable coupler for non-galvanically coupling a selected one of the measuring modules with the clock for the transmission of data between the clock and the selected measuring module" as recited in amended claim 36. In Neuman, the central processor 14 and the central clock generator 27 are hard wired together in the main unit of the device. (See Neuman, Fig. 5, col. 8, ll. 23-35). Thus, Neuman does not disclose a clock providing time of day data that is non-galvanically coupled to a selected measuring module as recited in amended claim 36.

For at least the foregoing reasons, Neuman does not teach each and every element of amended claim 36. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged as in the claim." See Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Accordingly, amended claim 36 is not anticipated under 35 U.S.C. §102(b) by Neuman.

For the above-identified reasons, amended claim 36 is not anticipated under 35 U.S.C. §102(b) by Neuman. Accordingly, the rejection of claim 36 should be withdrawn and claim 36 passed to issue.

Claims 37, 42, 45, 46, 53 and 54 depend from amended claim 36 and thereby incorporate all of the limitations of amended claim 36 and also include additional limitations. Since, amended claim 36 is not anticipated by Neuman for at least the above-identified reasons, dependent claims 37, 42, 45, 46, 53 and 54 are also not anticipated by Neuman. Therefore, the rejection of claims 37, 42, 45, 46, 53 and 54 under 35 U.S.C. § 102(b) should also be withdrawn.

Claim 38 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Neuman in view of Karr et al. (U.S. Pat. No. 4,371,945).

Claims 39 and 40 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Neuman in view of Algaier et al. (U.S. Pat. No. 5,231,612).

Claims 41, 43 and 49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Neuman in view of Kita (U.S. Pat. No. 5,650,945).

Claims 44, 47, 48 and 51 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Neuman in view of Castellano et al. (U.S. Pat. No. 5,536,249).

Claim 50 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Neuman in view of Garcia et al. (U.S. Pat. No. 4,637,403).

Claim 55 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Neuman in view of Heiser et al. (U.S. Pat. No. 5,738,148).

The above-identified rejections of claims 38, 39-41, 43, 44, 47-51 and 55 under 35 U.S.C. §103(a) are all based on Neuman as the primary reference of the cited combinations of references. Each of the claims 38, 39-41, 43, 44, 47-51 and 55 depend from amended claim 36. The rejections of claims 38, 39-41, 43, 44, 47-51 under 35 U.S.C. §103(a) are each based on the Examiner's determination that the Neuman reference teaches each and every element of claim 36. At least for the reasons identified hereinabove, amended claim 36 includes elements not disclosed or suggested by Neuman. Thus, Neuman does not teach each and every element of amended claim 36.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make

the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. See In re Vaeck, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991) (emphasis added).

To support the obviousness rejections of claims 38, 39-41, 43, 44, 47-51 and 55 under 35 U.S.C. §103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. As, Neuman does not teach or suggest all of the limitations of amended claim 36, the rejections of dependent claims 38, 39-41, 43, 44, 47-51 and 55 under 35 U.S.C. §103(a) based thereon are not supported.

Accordingly, for at least the forgoing reasons, the rejections of claims 38, 39-41, 43, 44, 47-51 and 55 under 35 U.S.C. §103(a) over Neuman as the primary reference should be withdrawn and these claims passed to issue.

Allowable Subject Matter

The Applicants graciously acknowledge the Examiner's determination of the patentability of the subject matter of claim 52. However, based on the foregoing arguments regarding the patentability of amended claim 36, claim 52 which depends indirectly from claim 36 and includes additional limitations, should be allowable without amendments thereto. Accordingly, Applicants respectfully request this action.

CONCLUSION

For at least the foregoing reasons, Applicants submit that pending claims 36-56 patentably distinguish the present invention over the cited prior art and therefore should be allowable. Accordingly, Applicants respectfully request the Examiner to enter this amendment, withdraw the above-identified rejections of claims 36-55 and pass claims 36-56 to issue.

Applicants have enclosed herewith a check in the amount of one hundred twenty eight dollars (\$128) to cover the cost of \$110 for a one month extension in

the time for filing this Response and the fee of \$18 for filing new dependent claim

56. If any additional fees are due in the above-identified application, please charge Deposit Account No. 13-0235.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Donald J. MacDonald", written over a horizontal line.

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